

JUDGE PRESKA

08

CV

7582

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FLOR DE MARIA CRUZ and THOMAS CRUZ,

Plaintiffs

NOTICE OF
REMOVAL

Against

HILTON HOTELS CORPORATION and
HILTON TUCSON EL CONQUISTADOR
GOLF AND TENNIS RESORT,

Defendants
-----X

1. Defendant HILTON HOTELS CORPORATION
[“HILTON”] also sued herein as HILTON TUCSON EL
CONQUISADOR GOLD AND TENNIS RESORT, by and
through its attorneys Platzer Luca & Pearl, hereby removes
this action to the United States District Court for the Southern
District of New York pursuant to 28 USC 1441 and 1332.

2. The action originally was commenced by the filing of a
Summons with Notice in the Supreme Court of the State of New
York, County of New York. A copy of the Summons with Notice
Is annexed hereto as Exhibit A.

3. Service of the Summons with Notice was effected on August 19, 2008.

4. In accordance with 28 USC 1446(b), this Notice of Removal is filed within 30 days after receipt by the defendant of a copy of the initial pleadings.

5. The above described action is one over which this Court has original jurisdiction pursuant to the provisions of 28 USC 1332 and is one which may be removed to this court by defendant pursuant to the provisions of 28 USC 1441 in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum or value of \$75,000, exclusive of costs and interest.

6. Upon information and belief, plaintiffs are citizens of the State of New York. See annexed Summons.

7. Defendant HILTON [also improperly sued herein as Hilton Tucson El Conquistador] is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in California.

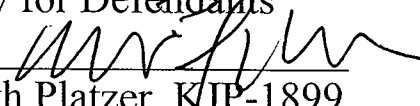
8. Defendant, therefore, is entitled to remove this action to this Court pursuant to 28 USC 1441.

WHEREFORE, defendant requests that the above entitled action now pending in the Supreme Court of the State of New York, County of New York, be removed therefrom to this Court.

Dated: New York, New York
August 27, 2008

Respectfully Submitted,
PLATZER LUCA & PEARL\

Attorney for Defendants

By: 
Kenneth Platzer KJP-1899
A Member of the Firm
61 Broadway Suite 1601
New York, New York 10006
212-697-4090

TO:
LAW OFFICE OF ANDREW SPINNELL, LLC
Attorney for Plaintiffs
286 Madison Avenue 21st Fl.
New York, NY 10017
212-684-0317

LAW OFFICES OF ANDREW J. SPINNELL, LLC

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No. 3 06541-08

Date purchased August 6, 2008

FLOR DE MARIA CRUZ and THOMAS CRUZ

Plaintiffs

against

HILTON HOTELS CORPORATION and HILTON TUCSON EL
CONQUISTADOR GOLF AND TENNIS RESORT

Defendants.

Plaintiffs designates Bronx
County as the place of trial.

The basis of the venue is
Plaintiffs' residence

Summons with Notice

Plaintiffs reside at 100 Erskine PL.,
Apt 5-B, Bronx, NY 10475

County of Bronx

To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint:

Dated: New York, New York
August 4, 2007

Notice: The object of this action is personal injuries of plaintiff Flor De Maria Cruz and loss of consortium of Thomas Cruz by reason of the negligence of defendants with respect to an accident of plaintiff at the Hilton Tucson on 8/21/05.

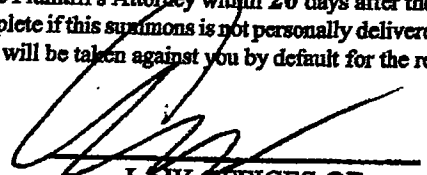
The relief sought is money damages in an amount that exceeds the jurisdiction of all lower courts.

Upon your failure to appear, judgment will be taken against you by default on liability with an inquest for damages and the costs and disbursements of this action.

Defendants' address:

Hilton Hotels Corporation
9336 Civic Center Drive
Beverly Hills, CA 90210

Hilton Tucson El Conquistador Golf and Tennis Resort
10000 N. Oracle Rd.
Tucson, AZ 85737


LAW OFFICES OF
ANDREW J. SPINNELL, LLC
Attorneys for Plaintiffs
Office and Post Office Address
286 Madison Avenue, 21st Floor
New York, New York 10017
(212) 684-0317

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COUNTY CLERK
BRONX COUNTY
RECEIVED

JUDGE PRESKA
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Plaintiff,

FLOR DE MARIA CRUZ and THOMAS
CRUZ

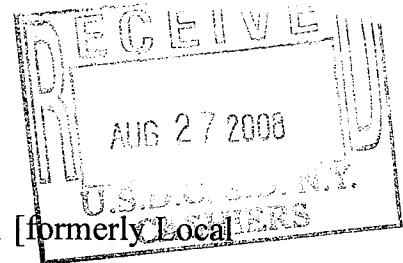
-v-

HILTON HOTELS CORPORATION and
HILTON TUCSON EL CONQUISTADOR
GOLF AND TENNIS RESORT

Defendant.

Case No. _____

Rule 7.1 Statement



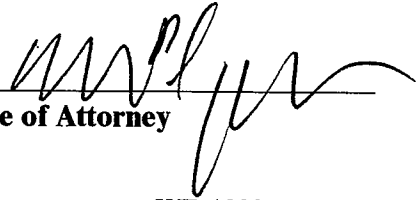
Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local
General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court
to evaluate possible disqualification or recusal, the undersigned counsel for

Hilton Hotels Corporation also s/h/a Hilton Tucson El Co (a private non-governmental party)

certifies that the following are corporate parents, affiliates and/or subsidiaries of
said party, which are publicly held.

NONE

Date: August 27, 2008


Signature of Attorney

Attorney Bar Code: KJP-1899